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Chairman: Mr. Al Bayati ..... (Iraq)

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The meeting was called to order at 11 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/61/L.54 and L.55)

Draft resolution A/C.3/61/L.54: New international humanitarian order

1. **Ms. Al-Zibdeh** (Jordan), introducing the draft resolution on behalf of the original sponsors and Azerbaijan, Bangladesh, Benin, the Central African Republic, Iraq, Morocco and Thailand, said that the following changes should be made to streamline the text. The words following "20 December 2004" in the first preambular paragraph should be replaced with: "all previous resolutions concerning the promotion of a new international humanitarian order[1] as well as all relevant resolutions, in particular resolution 46/182, of 19 December 1991, on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the annex thereto". Paragraph 2 should be deleted and replaced by the following paragraph: "Invites Member States, the Office for the Coordination of Humanitarian Affairs of the Secretariat, relevant entities of the United Nations system, and intergovernmental and non-governmental organizations, including the Independent Bureau for Humanitarian Issues, to reinforce activities and cooperation so as to continue to develop an agenda for humanitarian action." Lastly, the words "as at previous sessions" in paragraph 3 should be deleted.

Draft resolution A/C.3/61/L.55: Assistance to refugees, returnees and displaced persons in Africa

2. **Mr. Thomas** (Namibia), introducing the draft resolution on behalf of the original sponsors and Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Georgia, Greece, Hungary, Indonesia, Japan, Malawi, Portugal and the former Yugoslav Republic of Macedonia, said that it highlighted many new developments with respect to efforts to protect refugees, returnees and displaced persons, including the African Union decision of 29 June 2006 (EX.CL/Dec.284 (XI)). The draft resolution also highlighted the need for the United Nations High Commissioner for Refugees to work to ensure that refugee camps maintained their civilian and humanitarian character, and it encouraged the Office to continue to collaborate with other relevant actors in the context of its expanded role in the inter-agency response to internal displacement situations.

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/C.3/61/L.48)

A/C.3/61/L.48: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

3. **The Chairman** said that the draft resolution had no programme budget implications. Benin, the Central African Republic, Ethiopia and Nigeria had joined in sponsoring the draft resolution.

4. **Mr. Nikiforov** (Russian Federation) said that the resurgence of extremist groups such as neo-Nazis and skinheads who committed violent acts against persons of other races and creeds and against immigrants was a matter of urgent concern for the international community. His delegation supported the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who had drawn attention to the dangers of such a phenomenon. It also supported the draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/61/L.53), which would complement the current resolution.

5. The extremist groups mentioned in the draft resolution quite often derived their inspiration from the very practices and ideology which the United Nations had been established to combat. His Government rejected the glorification of persons who had been involved in Nazi crimes and the whitewashing of former members of the Waffen SS, an organization which the Nuremberg Tribunal had recognized as criminal. Such glorification was a matter of concern, especially against the background of the sixtieth anniversary of victory in the Second World War.

6. The purpose of the draft resolution was in no way to bring any specific Government to account; on the contrary, it was a thematic resolution intended to promote cooperation and dialogue. Its adoption would send a clear signal to those who advocated notions of ethnic purity and would make a significant contribution to the elimination of racism, racial discrimination, xenophobia and related intolerance.

7. **Mr. Ceinos-Cox** (United States of America) said that his delegation called for a vote on the draft resolution and would vote against it.

8. It shared the repugnance felt by other Committee members at any attempts to glorify or otherwise promote Nazi ideology. Nevertheless, freedom of speech and expression must be protected. His delegation was concerned that the draft resolution failed to distinguish between actions and statements entitled to be protected under the right to freedom of expression and those which incited violence, which should be prohibited. Freedom of expression was a fundamental human right and was essential for ensuring the enjoyment of other human rights.

9. No Government abhorred and condemned the ideology of Nazism more than did the United States. In addressing the issue of how to preserve free expression, even when confronted with hateful and offensive speech and ideology, the United States Supreme Court Justices Oliver Wendell Holmes, Jr., and Louis Brandeis had argued that the purpose of freedom of expression was to help to protect what they described as a marketplace of ideas. In that vision, Governments should not sanction speech, even when it was offensive or hateful, because of an underlying conviction that in a free society such hateful ideas would fail owing to their own intrinsic lack of merit. Accordingly, while his delegation shared many of the views of other delegations which were supporting the resolution, it could not vote for it as drafted.

10. **Mr. Keisalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that the European Union reiterated its strong commitment to combating all forms of racism, xenophobia and intolerance, including neo-Nazism. To that end it had designated 2007 as the European Year of Equal Opportunities for All, as part of a framework strategy to ensure that discrimination was effectively tackled and diversity was celebrated. Neo-Nazism was a particularly alarming manifestation of racism and xenophobia and afflicted many societies. It needed to be tackled through effective measures at all levels.

11. The European Union had not been able to support the preceding draft resolution in 2005 owing to the text's selective approach, apparent inaccuracies and limited value in countering contemporary forms of racism and xenophobia. Those comments continued to apply to the current text, on which there had been some bilateral consultations but no informal discussions. Moreover, few of the suggestions that the European Union had made had resulted in concrete textual improvements. The text as a whole, and paragraph 4 in particular, laid down unacceptable conditions for the enjoyment of human rights, thus undermining the rights to associate, assemble and express one's opinion, as well as human rights and fundamental freedoms in general. Such conditions were contrary to the International Convention on the Elimination of All Forms of Racial Discrimination, which stated that the measures taken to eliminate racial discrimination must have due regard for the principles of the Universal Declaration of Human Rights and for the rights guaranteed under article 5 of the Convention.

12. The draft resolution focused selectively on skinhead groups, neo-Nazis and former members of the Waffen SS organization, whereas a more comprehensive approach to relevant human rights concerns was clearly preferable. The inaccurate references to the Judgement of the Nuremberg Tribunal should have been rectified. An objective approach would more effectively advance the overall cause of eliminating racism and xenophobia in all their forms and manifestations. Particular concerns could be addressed by the Special Rapporteur and the Committee on the Elimination of Racial Discrimination.

13. For the above reasons, the countries on whose behalf she was speaking would abstain on the draft resolution.

14. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.48.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Japan, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova (Republic of), Monaco, Nepal, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania.

15. *Draft resolution A/C.3/61/L.48 was adopted by 107 votes to 3, with 53 abstentions.**

16. **Mr. Shinyo** (Japan) said that his delegation had voted against the draft resolution. While racism, racial discrimination and xenophobia, including neo-Nazism, needed to be tackled at all levels, paragraphs 4 and 8 set out unacceptable conditions and undermined the right to associate, assemble or express an opinion.

17. **Mr. Ballesteros** (Costa Rica) said that his delegation attached particular importance to the resolution and had hoped for its adoption by consensus. However, that hope had been dashed owing to a lack of willingness to negotiate a text which would clearly and categorically condemn as a criminal organization the SS as a whole, and not just one of its components.

18. Unlike the draft resolution adopted by the Commission on Human Rights in 2005, the current text did not refer to the SS organization and all its integral parts, including the Waffen SS, as a criminal organization. It was still not clear why the third preambular paragraph described only one component of the SS, rather than the organization as a whole, as criminal, given the implications in the Judgement of the Nuremberg Tribunal. Nor was it clear why paragraph 2 specifically mentioned the glorification of former members of the Waffen SS organization, without any explanation as to why only that part of the organization was singled out; without that information, his delegation was unable to say whether it was in favour or against that paragraph.

19. His delegation was particularly concerned about paragraph 4, which would unduly restrict the use of judgement on the part of the competent national authorities, including those responsible for ensuring the full and effective enjoyment of fundamental rights and freedoms. Paragraph 5 was likewise too categorical. His delegation was of the view that no right was absolute. One person's right began where another's ended. Under the rule of law, courts and other public entities had been established to determine the boundaries, and any general categorical and a priori assertions with respect to the exercise of fundamental rights and freedoms diluted the pre-eminence of those bodies.

* The delegations of Mauritania and Qatar subsequently informed the Committee that they had intended to vote in favour of the draft resolution, and the delegation of Ukraine that it had intended to abstain.

Agenda item 66: Right of peoples to self-determination (*continued*) (A/C.3/61/L.46 and L.51)

Draft resolution A/C.3/61/L.46: Universal realization of the right of peoples to self-determination

20. **The Chairman** said that the draft resolution had no programme-budget implications.

21. **Mr. Khane** (Secretary of the Committee) announced that Bahrain, Brunei Darussalam, Kuwait, Nigeria, Panama and South Africa had joined the sponsors.

22. **Mr. Hayee** (Pakistan), speaking on behalf of the sponsors, said that Angola, Cameroon, the Congo, the Niger, Qatar and the United Arab Emirates had also joined the sponsors.

23. The right to self-determination enjoyed primacy in international law, was the cornerstone of the Charter of the United Nations and the two International Covenants on Human Rights and had been affirmed and upheld by all major United Nations and other international summits, declarations and resolutions, including the 2005 World Summit. He hoped that the draft resolution would be adopted by consensus, as a show of the commitment of the United Nations to upholding the right of self-determination.

24. *Draft resolution A/C.3/61/L.46 was adopted.*

25. **Mr. Ainchil** (Argentina) said that peoples under colonial, foreign and alien domination were entitled to exercise the right to self-determination, in accordance with General Assembly resolutions 1514 (XV) and 2625 (XXV). Draft resolution A/C.3/61/L.46, when adopted, should be interpreted and implemented in accordance with those and other relevant resolutions. In the case of the Malvinas, in which the General Assembly had recognized the existence of a sovereignty dispute, Argentina and the United Kingdom should resume negotiations in order to find as soon as possible a peaceful and definitive solution, taking into account the interests of the people of the Islands.

26. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Moldova and Ukraine, said that the European Union had joined the consensus on the draft resolution because it considered the right of peoples to self-determination to be a fundamental principle of international law. Respect for that right, which required the holding of free, regular and fair elections within the framework of a democratic society, was an important pillar of the international system and was closely associated with respect for all human rights, democracy and the rule of law, including the principle of equality among citizens. Respect for all human rights and fundamental freedoms was also essential, and civil and political rights could contribute to the enjoyment by individuals of economic, social and cultural rights.

27. However, the thrust of the draft resolution was too narrow and should reflect more clearly the practice of self-determination under international law. Furthermore, the text contained a number of inaccuracies under international law: for example, the right to self-determination as stated in the International Covenants related to peoples, not nations. It was also incorrect to suggest that self-determination as such was a precondition for the enjoyment of other human rights. Moreover, the right to return should have been reflected in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights.

28. Such weaknesses in the text undermined the quality of the debate on the issue. It was a pity, too, that the main sponsors had not held discussions on the draft, which did not reflect recent developments, including the general recommendations and jurisprudence of treaty bodies. She hoped that in future the text would be a more effective instrument for encouraging all States to respect their obligations in that area and that greater efforts would be made to address delegations' concerns.

29. **Ms. Escobar** (Bolivarian Republic of Venezuela) said that her delegation had always defended interests relating to sovereignty and the self-determination of peoples and appreciated that the resolution had been adopted by consensus. Nevertheless, she wished to point out that her delegation did not recognize the 2005 World Summit Outcome referred to in the seventh preambular paragraph.

Draft resolution A/C.3/61/L.51: The right of the Palestinian people to self-determination

30. **The Chairman** said that the draft resolution had no programme-budget implications.

31. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Albania, Andorra, Angola, Belarus, Belize, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cape Verde, Costa Rica, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, the Gambia, Guyana, Jamaica, Liechtenstein, Moldova, Monaco, Mozambique, the Niger, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Slovenia, Spain, Sri Lanka, Ukraine, Uzbekistan and Viet Nam had joined the sponsors.

32. **Mr. Afifi** (Egypt), introducing the draft resolution, said that Azerbaijan, Benin, Botswana, Brazil, Croatia, the Democratic Republic of the Congo, Kenya, Madagascar, Malawi, Myanmar, Norway, Slovenia and Turkey had joined the sponsors. He expressed the hope that the draft resolution would be adopted by consensus, which would convey a strong message of solidarity with the Palestinian people.

33. **Mr. Khane** (Secretary of the Committee) announced that the Central African Republic, the Congo, Côte d'Ivoire, Iceland, Lesotho, Liberia, the Libyan Arab Jamahiriya, Maldives, Slovakia, Suriname, Timor-Leste, Togo and Zambia had joined the sponsors of the draft resolution.

34. **Mr. Huimasalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania, the candidate countries Croatia, the former Yugoslav Republic of Macedonia, and Turkey; the stabilization and association process countries Albania, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that the European Union continued to be firmly committed to enabling the Palestinian people to fulfil their right to self-determination and to achieving a two-State solution to the Israeli-Palestinian conflict. It looked forward to seeing a viable, sovereign and independent Palestinian State exist side by side with Israel, in peace and within recognized and secure borders. Such a solution provided the best possible guarantee of security for and acceptance of Israel as an integrated partner in the region.

35. The European Union intended to contribute actively to the work of the Quartet in order to revive the Middle East peace process as swiftly as possible with a view to making progress towards a comprehensive settlement on the basis of the road map, relevant United Nations Security Council resolutions and the commitments made at the Sharm-El-Sheikh Summit in 2005, in close cooperation with Arab partners.

36. A political perspective was also needed. In order to support the goal of an independent, democratic and viable Palestinian State based on the rule of law, the European Union continued to help build and strengthen the capacity of the Palestinian institutions. It urged the Palestinians to work towards national unity. A Palestinian Government with a platform reflecting the principles of the Quartet would be a partner that the international community could support in relaunching the peace process.

37. The European Union called on Israel to desist from any actions that threatened the viability of an agreed two-State solution. Settlement activities in and around East Jerusalem and in the Jordan Valley were of particular concern. In that regard, the European Union would not recognize any changes to the pre-1967 borders other than those agreed by both parties.

38. **Ms. Eilon Shahar** (Israel) said that Israel had, on many occasions, explicitly and publicly affirmed its support for the right of the Palestinian people to self-determination. The political impasse in the Middle East did not stem from any denial of that right. Israel and the international community, in embracing the road map, were committed to the idea of building a Palestinian State alongside Israel and had been clear regarding the need of the Palestinian leadership in order to realize the right to self-determination, to embrace and fulfil its national responsibilities by meeting its basic obligations to recognize Israel, renounce terrorism and accept previous agreements. However, the Hamas-led Palestinian Authority, in its brutal terror attacks against Israel, was undermining the national right of its own people. Rather than demonstrating its serious commitment as a partner, the Palestinian Government continued to fund and support terrorists and to refuse to recognize Israel, accept conditions or make concessions. While both sides in the conflict had their rights and responsibilities, and both Israelis and Palestinians deserved the right to live in peace and security, the Palestinian right to self-

determination could not be realized when the same Israeli right was so blatantly denied.

39. The draft resolution omitted to refer to Palestinian terrorist acts and the refusal of the Hamas-led Government to recognize Israel. It was therefore deeply flawed and flagrantly one-sided, ignoring both history and reality. It constituted a further political manoeuvre to discredit Israel when Israel was engaged in a legitimate battle for its existence and self-defence. Her delegation would therefore vote against it.

40. In recent weeks and months, Israel had sent countless letters to the United Nations, warning of a build-up of arms and continuing rocket attacks from Gaza, yet nothing had been said or done in the Third Committee to stop such attacks against Israel or to demand that the Palestinian Authority should take responsibility for the prevention of attacks emanating from its own territory. The Palestinians themselves were the only obstacle to fulfilment of their right to self-determination. The Palestinian Government must meet its basic obligations in order to move forward as a partner with Israel and implement the next step in the road map. The draft resolution, by failing to refer to those basic obligations, sanctioned the manner in which the Palestinians were trying to achieve self-determination: through a campaign of terror rather than through positive acts of self-realization. Voting in favour of the draft resolution would send a message to the Palestinians that they were free to continue to ignore their national responsibilities and had no need to live up to their obligations as responsible citizens of the world.

41. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.51.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova (Republic of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Australia, Canada, Georgia, Haiti.

42. *Draft resolution A/C.3/61/L.51 was adopted by 162 votes to 4, with 4 abstentions.**

43. **Mr. Ainchil** (Argentina) said that his country recognized the right of the Palestinian people to build an independent and viable State. However, the right to self-determination could not be exercised without freedom from foreign domination, and must be interpreted in accordance with the provisions and

* The delegation of Rwanda subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

principles of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 2625 (XXV).

44. **Mr. Miller** (United States of America) said that his country had worked continuously to support the social and economic development and the legitimate political aspirations of the Palestinian people, and that the level of United States assistance to address the needs of Palestinians compared favourably to its aid to any country in the world. The United States did not dispute the right of the Palestinian people to self-determination; it had made clear that its objective was the creation of two sovereign democratic States living side by side in peace and security. Unfortunately, the Palestinian Authority, through its failure to renounce terror, recognize Israel and respect previous agreements, and through its policies, continued to create hardships for the Palestinian people, even though President Abbas, by contrast, remained committed to those principles and to his platform of peace.

45. His delegation had been unable to vote for the draft resolution, which reflected an outdated approach conceived at a time when the Palestinian people had believed that the solution to their problems lay with the United Nations. The role of the United Nations was to support both parties in working with each other. Draft resolution A/C.3/61/L.51 and other similar resolutions, by being one-sided, undermined the credibility of the Organization, which must be seen by both sides as an honest broker in the conflict.

46. **Ms. Nassau** (Australia) said that her country continued to support a peaceful, negotiated settlement between Israel and the Palestinian territories, based on a two-State solution that recognized the legitimate aspirations of the Palestinian people and the right of Israel to exist in peace within secure and recognized borders. Australia had abstained from voting on the draft resolution since it contained unbalanced language that would do nothing to help resolve the Israeli-Palestinian conflict.

47. **Mr. Bowman** (Canada) reiterated his country's strongest possible support for the Palestinian people and their right to self-determination as part of a peaceful, negotiated two-State settlement that would see the emergence of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. However, draft resolution A/C.3/61/L.51 did not adequately address the responsibilities of both parties to the conflict to demonstrate efforts towards establishing such a settlement. His delegation had therefore abstained from voting.

48. **Mr. Alakhder** (Libyan Arab Jamahiriya) welcomed the adoption of the draft resolution, which was a historic victory for the international community, whose will it clearly reflected.

49. **Ms. Rasheed** (Observer for Palestine) welcomed the positive result of the vote, which constituted a clear reaffirmation of the international community's unwavering support for the Palestinian people and their right to self-determination and its respect for the principles of international law and international legitimacy. It was regrettable that the United States delegation had voted against the draft resolution. It was to be hoped that the United States delegation would in future alter its stance to reflect its vision of Israel and Palestine as sovereign States living side by side in peace and security and within recognized borders. Israel's denial of the right of the Palestinian people to self-determination remained the main obstacle to attainment of that goal.

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.19, L.20, L.23 and L.36/Rev.1)

Draft resolution A/C.3/61/L.19: Missing persons

50. **The Chairman** said that the draft resolution had no programme budget implications.

51. **Mr. Gustafik** (Deputy Secretary of the Committee) recalled that when the draft resolution had been introduced, the representative of Azerbaijan had orally revised the text: in the first line of the third preambular paragraph, the word "relevant" had been inserted before the word "resolutions"; at the end of the sixth preambular paragraph, the words "among others" had been inserted; the ninth preambular paragraph had been amended to read "*Taking note* with appreciation of the ongoing regional efforts to address the question of missing persons"; in paragraph 1, the

words "where applicable" had been inserted before the words "in the Additional Protocols thereto"; paragraph 11 had been deleted in its entirety, and the remaining paragraphs had been renumbered accordingly.

52. He announced that Afghanistan, Bangladesh, Belarus, Belgium, Benin, Cameroon, Costa Rica, Croatia, the Democratic Republic of the Congo, Ecuador, Fiji, Honduras, Jamaica, Kazakhstan, Kenya, Kyrgyzstan, Mexico, Qatar, Senegal, Serbia, Spain, Switzerland, the Syrian Arab Republic, Tajikistan, Ukraine and Uzbekistan had joined the sponsors of the draft resolution.

53. **Ms. Ajalova** (Azerbaijan), after stating that Canada, Egypt, Ethiopia, Germany, Peru, the Sudan, the former Yugoslav Republic of Macedonia, Tunisia and Venezuela had also joined the sponsors of the draft resolution, said that the following additional revisions had been made to the text: in the third line of paragraph 5, the phrase "to the best possible extent" had been inserted after the word "provide"; in the fourth line of paragraph 6, the word "working" had been inserted after "actors", and the words "and appropriate" had been inserted after "relevant", while in the fifth line of the same paragraph the phrase "persons reported missing" had been replaced by the words "missing persons".

54. She thanked all delegations for their constructive attitude during the consultations on the text and expressed her appreciation to the International Committee of the Red Cross for its expert assistance in improving the text and achieving consensus on crucial issues. She hoped that the draft resolution, which would send a timely message about the need for efforts at all levels to address the issue, would be adopted by consensus.

55. **Mr. Khane** (Secretary of the Committee) said that the Congo, Côte d'Ivoire, Cyprus, Haiti, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Romania and Sierra Leone had expressed the wish to be included among the sponsors.

56. *Draft resolution A/C.3/61/L.19, as orally revised, was adopted without a vote.*

57. **Mr. Miller** (United States of America) said his delegation had been happy to join the consensus on the draft resolution but wished to make a number of clarifications. It had assumed that the phrase "right of families to know the fate of their relatives" in paragraph 3 was based on article 32 of Additional Protocol 1 to the 1949 Geneva Conventions and was therefore binding only on States parties to that Protocol. It had interpreted paragraph 4 to mean that States should take reasonable and appropriate measures to search for missing persons. It had understood the references to "human rights law during armed conflict" in the second, fourth and sixth preambular paragraphs to concern only those provisions, if any, that were appropriate, because the law governing armed conflict was international humanitarian law. Regarding paragraph 9, it had taken the establishment of commissions and working groups to refer to the national and regional levels, with no financial impact for the United Nations system.

Draft resolution A/C.3/61/L.20: Globalization and its impact on the full enjoyment of all human rights

58. **Mr. Khane** (Secretary of the Committee) announced that Cameroon, Côte d'Ivoire, Indonesia, the Libyan Arab Jamahiriya, Malawi, Myanmar, Nicaragua, South Africa, Suriname, Timor-Leste, the United Republic of Tanzania and Uzbekistan had joined the sponsors of the draft resolution.

59. **The Chairman** announced that a recorded vote had been requested by Finland on behalf of the European Union.

60. **Ms. Pohjankukka** (Finland), speaking in explanation of the vote before the voting and on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and in addition, Iceland, Liechtenstein, Moldova, Norway and Ukraine, said that they could not support the draft resolution. As in the past, the draft resolution made the sweeping generalization that globalization had a negative effect on the enjoyment of all human rights. Globalization was a multidimensional phenomenon and also offered the means for tackling acute problems, including extreme poverty. While it was true that its benefits were not equally shared, it did provide opportunities for stimulating growth and prosperity worldwide and could be instrumental in the protection and promotion of human rights. The European Union was convinced that there were human rights and fundamental freedoms that were not adversely affected by

globalization and that the relationship between the two should be assessed case by case. In voting against a similar draft the previous year, the European Union had expressed the hope that the gap between the main sponsors and other delegations could subsequently be bridged through open discussion, in which, regrettably, the main sponsors had shown no willingness to engage.

61. *A recorded vote was taken on draft resolution A/C.3/61/L.20.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova (Republic of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Haiti, Singapore.

62. *Draft resolution A/C.3/61/SR.20 was adopted by 113 votes to 53, with 4 abstentions.**

Draft resolution A/C.3/61/L.23: Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

63. **Mr. Khane** (Secretary of the Committee), speaking in accordance with rule 153 of the rules of procedure, said that, since the terms of paragraph 1, subparagraphs (b) and (c), of the draft resolution concerned administrative and budgetary matters, he called the Committee's attention to the provisions of annex V, part VII (B), of the rules of procedure, to the effect that the text of a draft resolution should not exceed the competence of the relevant Committee. Also, paragraph 40 of the memorandum of the Secretary-General entitled "Organization of the sixty-first regular session of the General Assembly, adoption of the agenda and allocation of items" referred to resolution 45/248 B, section VI, in which the General Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with administrative and budgetary matters, had reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions, and had expressed concern at the tendency of its substantive Committees to involve themselves in such matters.

64. **Mr. Gala López** (Cuba) said that Burundi should be removed from the list of sponsors and Azerbaijan, Bangladesh, the Democratic People's Republic of Korea, Eritrea and Togo should be included in it. Speaking on behalf of the sponsors, he reaffirmed the importance of the draft resolution, which was intended to achieve substantive consideration of the geographical representation in the Office of the High

* The delegation of Armenia subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

Commissioner for Human Rights. Under its terms, the General Assembly would decide to provide guidance to the High Commissioner for Human Rights in her efforts to rectify the imbalance in the geographical diversity of her staff.

65. Recent consultations with delegations had resulted in a number of revisions to the preamble: the second preambular paragraph should now read, "*Taking note* of all relevant resolutions on this issue adopted by the General Assembly and the Commission on Human Rights;"; in the first line of the fourth preambular paragraph the words "skewed nature" had been replaced by "imbalance in"; the phrase "and noting the low representation from the United Nations regional groups of African, Asian, Eastern European, and Latin American and Caribbean States in the staff of the Office of the United Nations High Commissioner for Human Rights" had been added at the end of the fifth preambular paragraph; and a sixth preambular paragraph had been added reading, "*Reaffirming* that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,".

66. A number of revisions had also been made to the operative part: in the third line of paragraph 1 (b), the word "temporary" had been inserted before "mechanism"; in the third line of paragraph 3 the year "2008" had been replaced by "2009"; in the second line of paragraph 4 (a) the phrase "contained in the report" had been inserted after the word "recommendations"; and paragraph 5 had been replaced by a new paragraph reading, "*Requests* the President of the sixty-first session of the General Assembly to bring, as soon as possible, the present resolution to the consideration of the Fifth Committee of the General Assembly in order to facilitate ways and means for its implementation."

67. His delegation, which had displayed a highly constructive spirit in the discussions on the draft resolution, had been informed that a delegation that had taken no part in the consultations and had expressed no interest in the topic had been conducting procedural manoeuvres to delay adoption of the draft. Any such manoeuvring was an act of bad faith. Given the lateness of the hour, his delegation would be prepared for action on the draft resolution to be deferred to the afternoon meeting, but no later.

Draft resolution A/C.3/61/L.36/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

68. **Ms. Feller** (Mexico), introduced the draft resolution on behalf of the original sponsors and Angola, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cape Verde, Côte d'Ivoire, Egypt, Georgia, Honduras, Indonesia, Israel, Moldova (Republic of), Morocco, Nigeria, Peru, the Russian Federation, the United States of America and Uruguay.

69. The draft resolution recognized that terrorist acts posed a serious threat to the territorial integrity and security of States. It also reaffirmed that States must ensure that any measure taken to combat terrorism complied with their obligations under international law, in particular international human rights, refugee and humanitarian law (para. 1). The draft resolution urged States to respect the safeguards concerning the liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law (para. 8). Lastly, it recognized the importance of the United Nations Global Counter-Terrorism Strategy (General Assembly resolution 60/288) and welcomed the establishment of the Human Rights Council.

The meeting rose at 1 p.m.